

1. Record Nr.	UNINA9910425157303321
Autore	Saravanan A.
Titolo	Role of domestic courts in the settlement of investor-state disputes : the Indian scenario // A. Saravanan, S. R. Subramanian ; foreword by George A. Bermann
Pubbl/distr/stampa	Singapore : , : Springer, , [2020] Â©2020
ISBN	981-15-7010-8
Edizione	[1st ed. 2020.]
Descrizione fisica	1 online resource (XXXV, 187 p. 1 illus.)
Disciplina	346.07
Soggetti	Investments - Law and legislation - India Investments, Foreign - India
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Introduction -- International legal framework relating to the protection of foreign investment -- Interactions between domestic courts and investment arbitration tribunals -- India's approach to the protection of foreign investment -- Interactions between Indian courts and investment arbitral tribunals.
Sommario/riassunto	This book addresses the interactions between the domestic courts and the international investment arbitral tribunals, one of the most pressing issues confronting both domestic legal systems and the international legal system. It deals with the core issues inherent in the above interactions, especially with regard to countries outside the ICSID system. It contrasts this narrative with the position under classical international investment law, where national courts are assigned a very specific and minimalistic role in the process of investment disputes settlement. For this purpose, the book chooses India, which follows the non-ICSID model, as the major point of focus and considers both domestic judicial decisions and investment arbitral decisions for critical analysis. The ICSID Convention grants limited powers to domestic courts to issue provisional measures and to enforce ICSID awards. As the central theme of the book lies at the intersection of domestic law and international law, the work is indispensable for any scholar working in the areas of general international law, international investment law,

international economic law, law and economics, international dispute settlement, or international law in domestic courts, as well as domestic judges and international arbitrators. Further, as the subject matter has great implications for both domestic and global governance, it will benefit civil servants, opinion leaders, policy planners and subject experts in economics, the political economy and regional studies, to name a few. Excerpt from the Foreword: "One of the great merits of this book is that... It looks at bilateral investment treaties themselves to probe more deeply into the role of national courts in investment arbitration... This masterful book fills a major void as a resource in Indian international arbitration law. But is also the prototype of what any serious inquiry into the judicial role in investor-State arbitration in any jurisdiction should look like..." - George A. Bermann, Walter Gellhorn Professor of Law and Jean Monnet Professor of European Union Law, Columbia Law School, USA.
